

East Longmeadow Conservation Commission

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Craig Jernstrom, chair

Thomas O'Brien, clerk

René Reich-Graefe

Michael Carabetta

William Arment

Robert Sheets

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Minutes of January 14, 2015

Present were: Chair, Craig Jernstrom; René Reich-Graefe, William Arment and Robert Sheets. Thomas O'Brien and Michael Carabetta were not present.

Public Hearing Notice of Intent – T & K Realty (Con-Test Analytical Laboratory), 40 Spruce Street

Chair, Craig Jernstrom opened the public hearing and Acting Clerk, René Reich-Graefe read the legal notice into the record.

Pete Levesque, Wetland Consultants said that a Notice of Intent has been submitted for 40 Spruce Street, Con-Test Analytical Laboratory owned by Tom & Kathy Veratti, T&K Realty. He said that the parcel is zoned commercial and that the proposal is to construct a 6,000 sq. ft. building for Con-Test Laboratory to expand their laboratory services. Mr. Levesque said that the parcel is just over 2 acres which currently has a single family home on it to be used for storage with a driveway entrance that will remain on the site. He said that Ms. Comee did the delineations and four soil borings using the New England Hydro Soil Manual to certify that it is an accurate delineation. Mr. Levesque said that they characterize the wetland as a red maple swamp and the parcel does not show as priority or estimated habitat on the Natural Heritage Endangered Species Programs Maps and there are no flood plain issues in the site. He said that they met with DPW, Planning, Fire & Police in a round table before they filed their preliminary plan and have received Site Plan approval from the Planning Board. Mr. Levesque said that there is an additional building of 1,800 sq. ft. to be utilized for storage and a driveway that will run along the property line and terminate in a parking lot. Mr. Levesque said about 1/3 of the parking lot is within the buffer zone and also the driveway up to the storage building for loading and unloading. He said an infiltration trench will be along the edge of the parking and then a detention basin with a discharge to a rip rap flared end. Mr. Levesque said that the drainage was designed by Gary Weiner and he determined that the soils were type C which is not a great soil. Mr. Weiner presented the drainage to Dan Murphy, Town Engineer at the round table and said looking at the surrounding topography the hill that is there is a landform that is called a drumlin that was put there by the glaciers and the site is at the toe of that drumlin. Mr. Levesque said that the drumlin is all glaciers till hardpan and the water sheet flows down to the bottom to the loamy sands that are ludlow soils. He said under the DEP's protocol you can't increase the amount of flow off site for the predevelopment flows and the post development flows have to be equal or the post has to be less. Mr. Levesque said that the water sheet flows down to the parking lot to the south side of the parking that has no berm and it will run into a 5 foot wide infiltration trench that has a foot of compacted gravel and then the mirafi fabric and then the rip rap on top of that. He said that there will be siltation fencing and permanent monuments and they recommend lolli columns filled with concrete that stick

up a little bit in order to be found. He said there will be a tracking pad at the entrance of the project to eliminate tracking onto the street and the catch basins in the street will be covered with fabric. Mr. Levesque addressed the Commission for any questions or comments.

Mr. Jernstrom said that he doesn't recall where the soil samples were taken. Mr. Levesque said Ms. Comee's borings for the hydric soils were on both sides of the line and the data for that is in the Notice of Intent. He said they only record a few borings but they actually do about 15 or 20 borings on a site like 40 Spruce Street. Mr. Levesque said that they also verify with the auger and said that Ms. Comee actually did the delineation on July 24, 2014 and also took some photos at that time. Mr. Jernstrom said when he was on the site visit with Mr. Reich-Graefe and Mr. Sheets he noticed the area past where the briars are is pretty empty from a vegetation perspective. He said that it seemed frozen and he was concerned that he was walking on a wetland because there were just some leaves on the ground but he didn't see a lot of vegetation which would almost indicate that it is definitely not a wetland. He said that he started doing some reading which led him to contact Mark Stinson from DEP and one thing he read was for standards of work in a buffer zone under Notice of Intent states characteristics of the buffer zone at a particular site is in the presence of steep slopes which there is coming off the drumlin.

Mr. Levesque said that they are talking about buffer zones in a steep slope that cause more runoff and go quicker to the wetland. Mr. Jernstrom said the steep slope is in an adjacent area relatively close and there was an absence of vegetation. Mr. Levesque said that it is flat where the vegetation is absent. Mr. Jernstrom said that he was talking to Mr. Stinson about it who said that he hadn't seen everything with the e-file so he looked it up and sent over the aerial photography from 2013. He said according to the Mass DEP that is where the wetland exists and it runs across through the parking lot and through the detention basin and slightly off the property. Mr. Levesque said that he saw Mr. Stinson's e-mail and unfortunately he didn't characterize the map properly and said that it's a GIS map that is done on a computer based on soils, topography and other things and it's just an estimate, it's not an accurate delineation and he should have told you that. He said if that were the case then why would they even go out there and delineate it. Mr. Levesque said if they go to the site it will show up as wetland on some of them and it isn't there and said it's used as a guideline and the map is printed out from the web before they go to the site. He Levesque said if you look at the topography of the site the wetland line follows the topographical line and water flows down hill and you are dealing with gravity and the wetlands are always at the lowest part.

Mr. Jernstrom addressed the Commission for any questions.

Mr. Arment said that it appears the runoff is coming from the asphalt area.

Mr. Levesque said that they stand by the line and they have been reviewed several times by other environmentalist and they never change.

Mr. Jernstrom addressed the Audience for any questions.

Tom Wheeler, Owner of A.W. Brown said that it doesn't go that way. He said that it goes across the asphalt underneath Shaker Road and water flows into a make-shift stream to the right of their front entrance. Mr. Wheeler said that there isn't enough depth there at times that water coming out of the wetlands in storm situations causes their parking lot to flood because the water can't get underneath the road fast enough.

Attorney James Martin counsel for the Veratti's said that they have received approval from the Planning Board and Mr. Wheeler wants to make sure he is not getting anymore water flowing onto his property.

Mr. Levesque said when engineering reviewed it they had some suggestions and changes that Mr. Weiner employed. He said one of them was that they made him lower the invert of the outlet pipe so the basin would drain within 72 hours so it wouldn't be a wet bottom basin. Mr. Levesque said that it is only a 4 inch pipe which is a type of pipe that someone would put on their down spout. He said that they delineate the wetlands first and based on delineation the design the plan.

Mr. Jernstrom said that they received approval from the Planning Board, correct.

Attorney Martin said yes in December but the approval was subject to Mr. Weiner doing the plan to a license agreement allowing them to go onto the property to do the grading and maintain it and to be reviewed by the Planning Board subsequent to that. He said that just got signed last week and they sent a copy to Ms. Macdonald in the Planning Board.

Mr. Jernstrom said typically applicants come to Commission prior to going to the Planning Board. Mr. Levesque said they submitted the Notice of Intent on December 17, 2014 which was after the first meeting in December and the second December meeting landed on Christmas Eve so the Commission cancelled that meeting which brought them past the 21 day limit to hold the hearing. He said they submitted a letter stating that the January 14, 2015 meeting was acceptable to by their client to hold the hearing.

Attorney Martin said it's safe to say that Mr. Wheeler doesn't have an objection to the project as long as he doesn't get more water on his site.

Mr. Arment said that he could see why Mr. Wheeler is concerned because the parking lot is lower then the bottom of the hill so the water will come down the hill into Mr. Wheeler's parking lot. Mr. Levesque said the only water that falls on that 10 foot 3 to 1 slope is minimal.

Mr. Jernstrom asked when the construction will begin. Mr. Levesque said that he would imagine spring time and is not sure if it will be a pre-fab building.

Mr. Reich-Graefe said from the way it is currently graded it could be the lowest point where things backup so it is flooding. He said when they were out there they walked a good part of it and it clearly has a 2 foot embankment running around the edge and when water backups it could mean that sometimes there is overflow. Mr. Levesque said that the flow goes 98, 99 to 100 and it would have to backup significantly for Mr. Wheelers parking lot to be completely under water. He said that a man made ditch was made along the edge of Mr. Wheeler's property. Mr. Levesque said that tanks were taken out and they were leaking and they all landed up in that ditch that went across the street and has been maintained. Mr. Levesque said if the Commission is concerned with the delineation they could pull up any site in town and match it up with a true delineation that Baystate Environmental or Tighe & Bond did, anybody did and they aren't going to match up. Mr. Jernstrom said the he agrees with that because a lot of the ones he has seen in his relatively short experience on the Commission are not this dramatic of a difference. He said as a Commission they haven't had a tremendous amount of time to review the Notice of Intent filing and the stormwater reports. Mr. Jernstrom said there were a couple of other things that threw up the caution flag to him and he wants to be sure of what they are doing. He said based on the fact they have done things ahead of the process such as

they have already been to the Planning Board and received approval and asked if it would be an extreme hardship for them if the Commission continued the hearing for 2 weeks or a month.

Mr. Levesque said to answer his first question the permits from the Planning Board, Building Inspector, Conservation are mutually explicit. He said one doesn't relay on the other and sometimes it is done that way where Planning Board gets approved first and then Conservation after. Attorney Martin said that the developers don't want to get the plan approved and then after the Conservation Commission reviews they want to make changes. Mr. Levesque said that they submitted it in December and there has been an entire month for the review process to even happen, but the meeting schedule was not in sync so they submitted written notice to say that was fine. He said as far as a hardship he doesn't think so and his bigger concern is if there issues the delineation that need to be resolved they are going to have to wait until spring and that would be a hardship. Mr. Levesque asked what the issues are so he can relay it to Mr. Veratti.

Mr. Jernstorm said the delineation and Mr. Stinson also expressed some concerns about the stormwater management. Mr. Levesque asked how the Commission would like to resolve the wetland delineation issue. Mr. Jernstorm said perhaps another site visit and maybe a couple of soil borings. Mr. Levesque asked if the Commission is knowledgeable enough on soil delineations to make that call or would they go third party review. Mr. Jernstorm said that they want to avoid that. Mr. Levesque said the second solution would be to ask Mr. Weiner to attend the meeting to answer the Commissions questions because he was the one that prepared the plans. He said the other thing is that Mr. Peirent and Mr. Murphy of DPW Department both licensed registered engineers reviewed it and their review criteria is Mass DEP. Mr. Levesque said that he looked at it and if you go through it the eight standards are all met.

There being no further discussion and upon motion duly made by Rene Reich-Graefe and seconded by William Arment, the Commission voted unanimously (4-0) to continue the public hearing to January 28, 2015 at 7:00 p.m.

Outside the jurisdiction letter – 61 Fields Drive, Unit 8 (Phase IV)

The Commission issued an outside the jurisdiction letter for 61Fields Drive, Unit 8 (Phase IV).

Annual Town Report

Ms. Rau reminded Mr. Jernstorm that the Annual Town Report is due by January 30th. Mr. Jernstorm said that he has been working on it and that he will send it to her in the next few days.

There being no further business and upon motion duly made by René Reich-Graefe and seconded William Arment, the Commission voted to adjourn at 8:15 p.m.

For the Commission,

René Reich-Graefe, Acting Clerk